

UNITED STATE DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

KIMBERLY D. EMMANOUIL,

Plaintiff,

v.

WEST AURORA SCHOOL DISTRICT 129;

Defendant.

No. 18cv-8296

**NOTICE OF REMOVAL**

Defendant, WEST AURORA SCHOOL DISTRICT 129, by and through its attorneys, Joseph J. Perkoski and Kevin P. Noll of ROBBINS, SCHWARTZ, NICHOLAS, LIFTON & TAYLOR, LTD., hereby remove Case No. 2018 L 000599 from the Circuit Court of the Sixteenth Judicial Circuit, Kane County, Illinois, to the United States District Court for the Northern District of Illinois, Eastern Division pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, and as grounds for its removal state as follows:

1. On November 9, 2018, Plaintiff Kimberly D. Emmanouil filed a two-count Complaint against the School District alleging violations of the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.* (Count I), and the Age Discrimination in Employment Act of 1967, 29 U.S.C. § 621 *et seq.* (Count II).

**Original Jurisdiction Under 28 U.S.C. Section 1331**

2. The United States District Court for the Northern District of Illinois has original jurisdiction pursuant to 28 U.S.C. § 1331 as both Count I and Count II involve civil actions arising under the laws of the United States.

**All Procedural Requirements for Removal have been Satisfied**

3. Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of all the process, pleadings, orders and documents from the case before the Circuit Court of Kane County that have been served upon the School District are being filed with this Notice of Removal as Exhibit A.

4. This Notice of Removal has been filed within 30 days of the date that the Complaint was served on the School District. The School District was served on December 4, 2018. Removal is therefore timely in accordance with 28 U.S.C. § 1446(b).

5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1441(a) and 1446(a) because the U.S. District Court for the Northern District of Illinois, Eastern Division is the federal district court embracing the Circuit Court of Kane County, where the Complaint was originally filed.

6. The School District consents to the removal.

WHEREFORE, Defendant, WEST AURORA SCHOOL DISTRICT 129, removes this matter pursuant to 28 U.S.C. §§ 1331, 1441 and 1446.

Respectfully submitted,

WEST AURORA SCHOOL DISTRICT 129

By: /s/ Kevin P. Noll  
Kevin P. Noll  
One of Their Attorneys

Joseph J. Perkosi [jperkoski@robbins-schwartz.com](mailto:jperkoski@robbins-schwartz.com)  
Kevin P. Noll [knoll@robbins-schwartz.com](mailto:knoll@robbins-schwartz.com))  
**ROBBINS, SCHWARTZ, NICHOLAS,**  
**LIFTON & TAYLOR, LTD.**  
55 West Monroe Street, Suite 800  
Chicago, Illinois 60603  
312.332.7760  
312.332.7768 – Facsimile

811112v1

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing **Notice of Removal** with the Clerk of the Court using the CM/ECF system on this 18th day of December, 2018, which constitutes service on all counsel of record, registered filing users, pursuant to Fed. R. Civ. P. 5(b) and L.R. 59. I further certify that I placed a copy of this Notice of Removal in the U.S. Mail addressed to the following:

Travis Dunn  
Law Offices of Peter F. Ferracuti, P.C.  
110 East Main Street  
Ottawa, IL 61350  
Phone: (815) 434 3535

*Kevin P. Noll*

---

One of Defendant's Attorneys